

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AARON AGUIRRE,

Plaintiff,

v.

OFFICER D. SMITH, et al.,

Defendants.

Case No. 1:22-cv-01078-AWI-EPG (PC)

ORDER FOR PLAINTIFF TO SHOW
CAUSE WHY THIS CASE SHOULD NOT
BE DISMISSED, WITHOUT PREJUDICE,
FOR FAILURE TO COMPLY WITH A
COURT ORDER, TO PROSECUTE THIS
CASE, AND/OR TO COMPLY WITH
FEDERAL RULE OF CIVIL PROCEDURE
4(M)

TWENTY-ONE-DAY DEADLINE

ORDER VACATING INITIAL
SCHEDULING CONFERENCE

On August 25, 2022, the Court issued an order setting an initial scheduling conference. (ECF No. 3). On December 7, 2022, the Court converted the scheduling conference to a status conference because there was no indication that Defendants had been served and because Plaintiff failed to file a scheduling report or any other report indicating the status of the case. (ECF No. 5). The Court held the status conference on December 13, 2022. (ECF No. 7). At the conference, the Court extended the time to accomplish service pursuant to Federal Rule of Civil Procedure 4(m) to February 3, 2023, and set an initial scheduling conference for March 20, 2023. (ECF No. 8).

The deadline for Plaintiff to accomplish service has passed, but the record does not indicate that Defendants have been served with the complaint, and no defendants have

1 appeared.

2 As it appears that Plaintiff failed to serve Defendants in compliance with this Court's
3 order and Rule 4(m), IT IS ORDERED that:

- 4 1. Plaintiff has twenty-one days from the date of service of this order to show
5 cause why this action should not be dismissed, without prejudice, for failure to
6 comply with a court order, failure to prosecute, and/or failure to comply with
7 Rule 4(m).
8 2. The initial scheduling conference currently set for March 20, 2023, is
9 VACATED.

10 IT IS SO ORDERED.
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12 Dated: March 15, 2023

13 /s/ Eric P. Grogan
14 UNITED STATES MAGISTRATE JUDGE
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